IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 889 OF 2007

Sou. Chandrabhaga B. Supenekar ..Petitioner
Vs.
Bhagwan N. Supenekar and ors. ..Respondents

Mr. R.R. Magagaonkar for petitioner.
Mr. A.S. Shitole, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : August 10, 2007.

P.C.:

1. Heard the learned counsel for the respective parties.

2. There is no dispute that the marriage that had taken place in 1996 was dissolved by mutual consent and in the said consent terms it was agreed that the custody of the minor children Kiran (4 years of age) and Rutuja (2 and 1/2 years of age) would be with the father.

3. It appears that the wife approached the learned Magistrate and filed Misc. Application No. 98 of 2006 seeking custody of the children and that

application was allowed on 28/4/2006. The husband, therefore, filed Criminal Revision Application No. 60 of 2006. The learned Sessions Judge referred to the Deed of Divorce dated 21/9/2005 and clearly noted that the custody of the children was with the husband. He further observed that the children were illegally removed from the custody of the father and, therefore, the petitioner-wife was directed to hand over the custody of the children to the respondent no.1-husband.

4. There was nothing to indicate that the husband was not taking care of the children or he was neglecting them or he had failed to act in their welfare. The parties were bound by the terms of the Divorce Deed dated 21/9/2005 as per their custom. It is also alleged by the husband that the present petitioner is re-married.

5. No case is made out to cause interference in the view taken by the learned Sessions Judge and hence the petition is rejected.

(B.H. Marlapalle,J.)